

# **STATE OF KANSAS**

## **Department of Health and Environment**

### **Notice of Hearing on Proposed Revisions to**

#### **Kansas Surface Water Quality Standards, K.A.R. 28-16-28g**

The Kansas Department of Health and Environment (KDHE), Division of Environment, Bureau of Environmental Field Services will conduct a public hearing to consider the proposed revisions to the Kansas Surface Water Quality Standards, K.A.R. 28-16-28g, including revisions to the Kansas Surface Water Register. The hearing will be held via video conferencing on May 25, 2006 at the North West District Office 2301 E. 13th Street Hays, Kansas, the North Central District Office 2501 Market Place, Suite D Salina, Kansas, the North East District Office 800 West 24th Street Lawrence, Kansas, the South West District Office 302 W. McArtor Road Dodge City, Kansas, the South Central District Office 130 South Market, 6th Floor Wichita, Kansas, the South East District Office 1500 West 7th Chanute, Kansas, and the Curtis State Office Building 1000 S.W. Jackson Topeka, Kansas, Garden Level, IS Conference Room B, beginning at 2:00 PM. A public availability session will be held at 1:00 PM prior to the public hearing to provide persons an opportunity to review the findings of use attainability analyses (UAAs) used to establish designated uses. If an alternate hearing location is necessary, the hearing will be held on May 25, 2006 at the Curtis State Office Building 1000 S.W. Jackson, Topeka, Kansas, 5<sup>th</sup> Floor, Room 530. The hearing will begin at 2:00 PM with an informational meeting being held prior to the hearing at 1:00 PM.

Following is a summary of the proposed amendments:

K.A.R. 28-16-28g is the classification and use designation section of the Kansas Surface Water Quality Standards. Designated uses of surface waters are listed in the Kansas Surface Water Register which is adopted by reference in K.A.R. 28-16-28g. The register identifies major classified streams, lakes and wetlands and the uses that are existing or attainable. In the period of April 1 through October 31, 2004, 658 stream segments and 89 lakes were evaluated by a UAA to determine the appropriate use designation. Seventy-nine stream segments are proposed to be removed from classification, 352 stream segments are proposed as secondary contact recreation, and 223 stream segments are proposed as primary contact recreation. Two stream segments are proposed for expected aquatic life and four stream segments have been rerouted and combined to form one segment. Eighty-seven lakes are proposed for irrigation, livestock watering, domestic

water supply, industrial water supply, groundwater recharge and two lakes are proposed for primary contact recreation and food procurement. There are no additional costs of compliance resulting from these changes in recreational use designations. The department estimates an annual cost to perform 500 recreational UAAs as required by K.S.A. 82a-2004 and amendments thereto to be \$200,000 per year. Currently this cost is funded by the State Water Plan and state general fund.

The time period between the publication of this notice and the scheduled hearing constitutes a 60-day public comment period for the purpose of receiving written public comments on the proposed regulatory action. Comments should be submitted to Craig Thompson, Kansas Department of Health and Environment, Bureau of Environmental Field Services, 1000 SW Jackson, Suite 430, Topeka, Kansas 66612-1367 or by email to: [cthompson@kdhe.state.ks.us](mailto:cthompson@kdhe.state.ks.us). All interested parties will be given a reasonable opportunity to present their views orally on the proposed regulatory action during the hearing, as well as to submit their written comments at that time. In order to give all parties an opportunity to present their views, it may be necessary to require each participant to limit any oral presentation to five minutes. Copies of the proposed amendments and the economic impact and environmental benefit statements may be obtained from the KDHE, Bureau of Environmental Services, by contacting Ricquelle Landis at (785) 296-6603.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed amendments and the economic impact and environmental benefit statements in an accessible format. Requests for accommodation to participate in the hearing should be made at least five working days in advance of the hearing by contacting Ricquelle Landis.

Roderick L. Bremby  
Secretary of Health and Environment